

1 of 70

(A1)

The State of New Hampshire

JUDICIAL BRANCH
DOMESTIC VIOLENCE
TEMPORARY ORDER AND NOTICE OF HEARING
PURSUANT TO RSA 173-BPNO 2160040046Hillsborough County

Superior Court

Loretta D. LeeRoy04-M-440 Case/Docket No.
1/1/84

(Plaintiff's Name)

(Defendant's Name)

(DOB)

Relationship to Defendant

married household member
 separated other _____
 divorced _____
 cohabit/cohabited _____
 child in common _____

(Street Address)

264 Cedar Street

(City, State, Zip)

Manchester, NH 03103

(SSN)

Unknown

The Court, having jurisdiction over the parties and subject matter under New Hampshire RSA 173-B (Protection of Persons from Domestic Violence), and having considered the Plaintiff's Domestic Violence Petition dated 3-29-04, hereby finds that the Plaintiff is in immediate and present danger of abuse as defined in RSA 173-B and makes the following TEMPORARY ORDERS OF PROTECTION:

1. The Defendant shall not abuse the Plaintiff.
2. The Defendant shall not have any contact with the Plaintiff, whether in person or through third persons, including but not limited to contact by telephone, letters, fax, e-mail, the sending or delivery of gifts or any other method unless specifically authorized by the Court.
3. The Defendant shall not enter the premises and curtilage where the Plaintiff resides, except when the Defendant is accompanied by a peace officer and upon reasonable notice to the Plaintiff, is allowed entry by the Plaintiff for the sole purpose of retrieving toiletries, medication, clothing, business equipment, and any other items as determined by the Court.
4. The Defendant shall not contact the Plaintiff at or enter upon Plaintiff's place of employment, school, or _____.
5. The Defendant shall not abuse Plaintiff's relatives (including children) regardless of their place of residence, or members of the Plaintiff's household.
6. The Defendant shall not take, convert or damage any property in which the Plaintiff has a legal or an equitable interest.
7. The Plaintiff is awarded custody of the minor child(ren); the Defendant may exercise the following visitation: _____

8. The Defendant shall relinquish to a peace officer all firearms and ammunition in his/her control, ownership or possession, and the Defendant is prohibited from purchasing or obtaining any firearms or ammunition during the pendency of this order.
9. The Defendant shall also relinquish all deadly weapons as defined in RSA 625:11, V which may have been used, intended to be used, threatened to be used or could be used in an incident of abuse. These weapons may include the following: _____

10. Other protective orders: _____

RECEIVED

APR 26 2013

FURTHER ORDERS:

1. Use of Vehicle: _____
 2. Other: _____

Date) 3-29-04
 Telephone Number of Court) 603 669-7410

MANCHESTER DISTRICT COURT

(Signature of Judge / Master's Recommendation)

(Signature of Judge Approving Master's Recommendation)

Carol Ann Conboy

(Print / Type Name of Judge)

THESE ORDERS ARE EFFECTIVE IMMEDIATELY AND REMAIN IN EFFECT UNTIL FINAL ORDERS ARE MADE BY THE COURT. ANY WILLFUL VIOLATION OF THE PROTECTIVE PROVISIONS OF THESE ORDERS IS A CRIME AS WELL AS CONTEMPT OF COURT. VIOLATIONS SHALL RESULT IN ARREST AND MAY RESULT IN IMPRISONMENT. ALL FUTURE NOTICES AND ORDERS SHALL BE MAILED. BOTH PARTIES MUST KEEP THE COURT INFORMED OF CURRENT ADDRESSES.

NOTICE OF HEARING

A hearing on this case will be held at the above Court on 4/8/04 (date) at 1:30 p.m. The Plaintiff and Defendant are summoned to appear at the hearing. The Court will hear testimony from both parties. FINAL ORDERS may be issued at that time.

March 29, 2004

(Clerk/Coordinator)

NOTICE TO DEFENDANT

RE: PLAINTIFF'S RSA 173-B, you have a right to a hearing on these temporary orders within five business days, but not earlier than three business days after you file a written request with the Court. Unless you request this hearing in writing, the case will be heard on the date shown above.

2 of 20

(A2) **The State of New Hampshire**

JUDICIAL BRANCH
DOMESTIC VIOLENCE FINAL ORDER
PURSUANT TO RSA 173-B

PNO 2160040046

Hillsborough CountySuperior Court04-M-440 Case/Docket No.**IN THE MATTER OF**Loretta D. LeeRoyDominic Ali

1/1/84

(Plaintiff's Name)

(Defendant's Name)

(DOB)

RELATIONSHIP to DEFENDANT

married household member
 separated other _____
 divorced _____
 cohabit/cohabited _____
 child in common _____

264 Cedar Street

(Street Address)

Manchester, NH 03103

(City, State, Zip)

unknown

(SSN)

The Court, having jurisdiction over the parties and subject matter under New Hampshire RSA 173-B (Protection of Persons from Domestic Violence), having considered the Plaintiff's Domestic Violence Petition and having conducted a hearing on 4-8-04, of which the Defendant received actual notice, and was / was not present, hereby finds that:

The Plaintiff has NOT been abused: CASE DISMISSED.

The Plaintiff has been abused as defined in RSA 173-B, and finds and makes the following final orders:

PROTECTIVE ORDERS:

SEP 24 2004

HANOVER

1. The Defendant shall not abuse the Plaintiff.
2. The Defendant shall not have any contact with the Plaintiff, whether in person or through third persons, including but not limited to contact by telephone, letters, fax, e-mail, the sending or delivery of gifts or any other method unless specifically authorized by the Court.
3. The Plaintiff shall have exclusive use and possession of the parties' residence unless Paragraph 12 is checked.
4. The Defendant shall not enter the premises and curtilage where the Plaintiff resides, except when the Defendant is accompanied by a peace officer and, upon reasonable notice to the Plaintiff, is allowed entry by the Plaintiff for the sole purpose of retrieving toiletries, medication, clothing, business equipment, and any other items as determined by the Court.
5. The Defendant shall not contact the Plaintiff at or enter upon Plaintiff's place of employment or school, or as further specified herein:

6. The Defendant is restrained from abusing Plaintiff's household members, or Plaintiff's relatives (regardless of their place of residence), and engaging in any other conduct which would place the Plaintiff in reasonable fear of bodily injury to the Plaintiff or the Plaintiff's household members or relatives.
7. The Defendant shall not use, attempt to use or threaten to use physical force against the Plaintiff or the parties' child(ren) which would reasonably be expected to cause bodily injury.
8. The Defendant shall not take, convert or damage any property in which the Plaintiff has a legal or an equitable interest.
9. The Defendant shall relinquish to a peace officer all firearms and ammunition in his/her control, ownership or possession, and the Defendant is prohibited from purchasing or obtaining any firearms or ammunition during the pendency of this order.
10. The Defendant shall also relinquish all deadly weapons as defined in RSA 625:11, V which may have been used, intended to be used, threatened to be used, or could be used in an incident of abuse. These weapons may include the following:

RECEIVED

APR 26 2013

11. Other protective orders: _____

TRUE COPY: John H. Day Jr. 4
 TEST: John H. Day Jr.

MANCHESTER DISTRICT COURT

308 CASE # 04-M-44A

FURTHER ORDERS:

12. The Court finds that the Defendant exclusively owns or leases and pays for the premises located at _____ and that the Defendant has no legal duty to support the Plaintiff or minor children. Therefore, the Defendant shall have exclusive access use and possession of the premises (including household furniture and furnishings). However, the Plaintiff may enter in and on said premise with a peace officer for the sole purpose of removing the Plaintiff's personal possessions.

13. The Plaintiff is awarded custody of the minor child(ren).

14. Visitation of children.
 _____ No visitation pending further hearing.
 _____ Unsupervised.
 _____ Supervised, by _____
 _____ Days and times: _____

 _____ Pick up/Drop off at: _____
 Restrictions: _____

15. The Defendant shall pay child support to the Plaintiff. (See Uniform Support Order (USO) attached.)

16. The Plaintiff shall have use of the following vehicle:
 Make _____; Model _____; Year _____.

17. The Defendant shall have use of the following vehicle:
 Make _____; Model _____; Year _____.

18. The Defendant shall pay to the Plaintiff the amount of \$ _____ for losses suffered as a direct result of the abuse, and \$ _____ for attorney's fees.

19. The Defendant shall attend: _____ a batterer's intervention program and/or _____ personal counseling, for a period of _____ months/year.
 The Defendant shall provide proof of attendance to the Court at monthly intervals.

20. Other _____

4-8-04
(Date)

RECEIVED

(Signature of Judge / Master Approving Recommendation)

(Signature of Judge Approving Master's Recommendation)

603-669-7410
(Telephone Number of Court)

MANCHESTER DISTRICT COURT

(Print/Type Name of Judge)

PHILIP P. MANGONES
PRESIDING JUSTICE

THESE ORDERS ARE EFFECTIVE IMMEDIATELY AND REMAIN IN EFFECT FOR ONE YEAR. THE ORDERS MAY BE EXTENDED BY ORDER OF THE COURT UPON MOTION BY THE PLAINTIFF, SHOWING GOOD CAUSE, WITH NOTICE TO THE DEFENDANT. BOTH PARTIES SHALL ENSURE THAT THE COURT HAS A CURRENT ADDRESS DURING THE PENDENCY OF THESE ORDERS.

ANY WILLFUL VIOLATION OF THE PROTECTIVE PROVISIONS OF THESE ORDERS IS A CRIME AS WELL AS CONTEMPT OF COURT. VIOLATIONS SHALL RESULT IN ARREST AND MAY RESULT IN IMPRISONMENT.

4 of 70

Docket # 04-0312 TN # _____The State of New Hampshire
COMPLAINT

04-23885

Docket # 04-0312

DOMESTIC VIOLENCE RELATED VIOLATION CLASS A MISDEMEANOR FELONY
 CLASS B

YOU ARE HEREBY NOTIFIED TO APPEAR BEFORE SAID COURT
 08:15 XX April, 1 2004
 AT O'CLOCK IN THE AM/PM ON YR.
 UNDER PENALTY OF LAW TO ANSWER TO A COMPLAINT
 CHARGING YOU WITH THE FOLLOWING OFFENSE:
 Manchester District Hillsborough 2-21-04
 TO THE COURT, COUNTY OF Tr 30

THE UNDERSIGNED COMPLAINS THAT: PLEASE PRINT

ALI DOMINIC

NAME
 335 CEDAR ST A-2 MANCHESTER NH 03103

Address 1/1/1985 State Zip

DOB OP. LIC.#

M	B	600	220	WHITE BLK	BRO
Sex	Race	Height	Weight	Color of Hair	Color of Eyes

 COMM. VEH. COMM. DR. LIC. HAZ. MAT.

48 HENRIETTE ST MANCHESTER
 AT
 27 (Location) March 2004 13:30 A.M.
 ON THE DAY OF YR. at P.M.

on/at in said county and state, did commit the offense of
 Simple Assault 631:2-A

..... contrary to RSA
 and the laws of New Hampshire for which the defendant should be held to
 answer, in that the defendant did
 knowingly cause unprivileged physical contact to Loretta Leeroy when he
 shoved her in the chest, knocking her down and then punched her twice

against the peace and dignity of the State.

 SERVED IN HAND

Chief John A Jaskolka Badget# 1

Complainant

Dept.

Personally appeared the above named complainant and made oath that the
 above complaint by him/her subscribed is, in his/her belief, true.

DATE 4/1/2004

Gisele Martiny Justice of the Peace

AOC 103A-045 7/00

RECEIVED

SEP 02 2010

MANCHESTER DISTRICT COURT

COURT COPY

(A4)
5 of 10Docket # 04 03122 TN # _____

The State of New Hampshire
COMPLAINT

 DOMESTIC VIOLENCE RELATED04 23835 VIOLATION

CLASS A MISDEMEANOR



CLASS B

 FELONY

YOU ARE HEREBY NOTIFIED TO APPEAR BEFORE SAID COURT

AT 08:15 O'CLOCK IN THE AM/PM ON April, 1 YR. 2004
UNDER PENALTY OF LAW TO ANSWER TO A COMPLAINT

CHARGING YOU WITH THE FOLLOWING OFFENSE:

Manchester District

Hillsborough

TO THE COURT, COUNTY OF
7-21-04
TRY 301

THE UNDERSIGNED COMPLAINS THAT: PLEASE PRINT

ALI, DOMINIC

NAME
Last Name First Name M.

335 CEDAR ST A-2 MANCHESTER NH 03103

Address 1/1/1985 State Zip

DOB OP. LIC.#

<u>M</u>	<u>W</u>	<u>600</u>	<u>250</u>	WHITE-SHT	BLK	BRO
Sex	Race	Height	Weight	Color of Hair	Color of Eyes	

 COMM. VEH. COMM. DR. LIC. HAZ. MAT.

48 HENRIETTE ST MANCHESTER

AT
(Location)ON THE 27 DAY OF March YR. 2004 13:30 A.M.

..... at P.M.

on/at in said county and state, did commit the offense of

Stalking - Appear 633:3-a

..... contrary to RSA

and the laws of New Hampshire for which the defendant should be held to

answer, in that the defendant did

knowingly engage in a course of conduct targeted at Loretta Leeroy which he
knew would place her in fear for her personal safety when he was parked in
front of her home as she returned from work at 0030hrs on 03-29-04, was
parked out front again at 0010hrs on 03-30-04 and was parked in front of her
home for the third time on 03-31-04 at 2349 hrs**RECEIVED**

APR 26 2013

MANCHESTER DISTRICT COURT

against the peace and dignity of the State.

 SERVED IN HAND

Chief John A Jaskolka Badget# 1

Complaint Dept.

Personally appeared the above named complainant and made oath that the
above complaint by him/her subscribed is, in his/her belief, trueDATE 4/1/2004*Giselle McCarthy*

Justice of the Peace

The State of New Hampshire

Hillsborough COUNTY

Goffstown District

COURT

04-CR-155

NO.

1627

ACKNOWLEDGMENT AND WAIVER OF RIGHTS CLASS A MISDEMEANORS

The statements made below shall apply to each and every complaint, if there be more than one, to which I intend to plead guilty or nolo.

Septmbr 28 2004

I, Dominic Ali of Manchester have been charged in the Goffstown District Court with the following offense(s):
Violation of protective order

I understand that the complaint is one accusing me of a Class A Misdemeanor(s), and that I have the right to be represented by a lawyer of my own choosing and at my own expense, and that if I am unable to afford a lawyer the Court will appoint one for me subject to an order of reimbursement based on my ability to pay.

I am represented by Ryan Nowak, a lawyer admitted to practice in New Hampshire.
 I am satisfied with my lawyer and all explanations have been clear.

I do not want a lawyer. I understand and know what I am doing. I hereby waive my right to a lawyer.

I understand that I do not have to plead GUILTY or NOLO and that even after signing this form I still do not have to plead GUILTY or NOLO.

I understand that by pleading GUILTY or NOLO to the charge(s) that I am giving up the following constitutional rights as to the charges:

MY RIGHT to a speedy and public trial.

MY RIGHT to see, hear, and question all witnesses. This gives me the opportunity and right to face the witnesses against me and question them myself or through my attorney. **MY RIGHT** to present evidence and call witnesses in my favor and to testify on my own behalf.

MY RIGHT to remain silent and not testify at a trial.

MY RIGHT to have the judge ORDER into court all evidence and witnesses in my favor.

MY RIGHT not to be convicted unless the State proves that I am guilty beyond a reasonable doubt with respect to all elements of the charge(s), which have been explained to me.

MY RIGHT to keep out evidence, including confessions, illegally obtained.

MY RIGHT to a trial before a jury and my right to appeal issues of law to the Supreme Court.

I GIVE UP ALL THE ABOVE RIGHTS OF MY OWN FREE WILL.

I understand that by pleading GUILTY or NOLO I am admitting to or not contesting the truth of the charge(s) against me in the complaint(s) and that on the judge's acceptance of my GUILTY or NOLO plea, a conviction(s) will be entered against me.

No force has been used upon me, nor have any threats been made to me, by any member of the Prosecutor's Office or anyone else to have me enter this plea of GUILTY or NOLO.

No promises have been made to me by any member of the Prosecutor's Office or anyone else in an effort to have me enter this plea of GUILTY or NOLO to the charge, except as follows:

Time Served - 29 days

A True Copy Attest
Goffstown District Court
By
Robert J. Pellecchia

Docket# 04 1513 TN#

(A5)

7 of 10

State of New Hampshire
COMPLAINT

Docket#

 DOMESTIC VIOLENCE RELATED VIOLATION CLASS A MISDEMEANOR FELONY
 CLASS BYOU ARE HEREBY NOTIFIED TO APPEAR BEFORE SAID COURT
AT _____ O'CLOCK IN THE AM/PM ON _____ YR.
UNDER PENALTY OF LAW TO ANSWER TO A COMPLAINT
CHARGING YOU WITH THE FOLLOWING OFFENSE:

TO THE Goffstown D. COURT, COUNTY OF Hillsborough

THE UNDERSIGNED COMPLAINS THAT: PLEASE PRINT

NAME... Al.i..... Dominic.....

Last Name First Name MI
264 Cedar St. Manchester, NH..... 03103..... Zip

Address..... State..... DOB. 1/1/84..... OPLIC.# 01AID85011.....

Sex	Race	Height	Weight	Color Hair	Color Eyes
M	B	605	100	Black	Brown

WRITE OUT:

 COMM. VEH. COMM. DR. LIC. HAZ. MAT.

AT New Boston.....

ON THE 29. DAY OF August..... YR. 04. at. 3:50.... P.M.

on/at in said county and state, did commit the offense of Violation of.....

Protective Order..... contrary to RSA 173-B:9..

and the laws of New Hampshire for which the defendant should be held to answer, in

that the defendant did knowingly violate a " Domestic
Violence Final Order", issued pursuant to
RSA 173-B case/docket # 04-M-440 on 4/8/04
by the Superior Court - Hillsborough County
by having contact with the Defendant, Loretta
Laeroy by telephone through a third party,
Randy Boggess

(Enhanced penalty under RSA 597:14-b)

against the peace and dignity of the State.

 SERVED IN HAND_____
ComplainantNew Boston
Dept.Personally appeared the above named complainant and made oath that the above
complaint by him/her subscribed is, in his/her belief, true.

DATE: 30.04.....

Signature

Lynn... Justice of the Peace

AOC-103-045 REV 7/00

COURT COPY

A True Copy Attest:
Goffstown District Court
by Bobbi Pruek

RECEIVED

APR 26 2013

MANCHESTER DISTRICT COURT

THE STATE OF NEW HAMPSHIRE
GOFFSTOWN DISTRICT
COURT

8 of 70

RECEIVED
GOFFSTOWN DIVISION

Nov 12, 2010

State of New Hampshire

2010 NOV 16 P 3:35

v.

Dominic Ali

438-2004-CR-01627

DEFENDANT PRO-SE MOTION TO WIHTDRAW NOLO CONTENDERE PLEA.

Now comes Dominic Ali, pro-se, who respectfully moves this honorable Court to grant this motion to his plea upon ineffective assistance of counsel. See State v. Veale, 154 N.H. 730 (2007).

In support of this motion, the defendant states the following facts and relief:

1. On April 4, 2004 the defendant was charge with the violation of "Domestic Violence Final Order", and was sentence to (29)Days credit in County Jail.
2. The defendant states that his plea to the Nolo contendere that lead to conviction was not intelligently and voluntarily made, and that counsel did not provid such true advice or professional opinion to the defendant. Counsel statement to the defendant is "you will go home, if you plea nolo; this is mean nothing". See Boyking v. Alabama, 395 U.S. 238 (1969).
3. Counsel failure to disclose plea affer to the defendant, and not routinely explained the nature of the offense in sufficient detail to give the defendant notice of what he is being asked to admit, or what is the outcome of this plea. See State v. Levey, 122 N.H. 375 (1985).
4. Counsel failure to disclose material facts and misrepresentation of material facts to the defendant. The defendant states that he is not a U.S. Citizen, and Counsel did not explain all of the consequences of the plea that lead to conviction before the defendant decided to enter a plea. See State v. Harper, 126 N.H. 815, 498 (1985).

9 of 70

5. The defendant states that the petition pursuant to the R.S.A 173-B:9,IV to the Justice of the Court for protective order was filed base on "false allegation", and that this case is dismissed. See exhibit(1), Docket # 04-03121. and this Court must vacate the conviction.

WHEREFORE, the defendant respectfully request this Court:

- A. Allowed Counsel be appointed as protected by the New Hampshire Constitution part(1)article(2)and the United State Constitution the (6th) and the (14theen) Amendment.
- B. That evidentiary hearing be set in this matter;
- C. Allowed the Court to correct a manifest injustice ;
- D. Grant the defendant such other and further relief as is just and equitable.

CERTIFICATE OF SERVICE

I, Dominic Ali hereby certify that this 12th of Nov, 2010, that a copy of this motion was forwarded in the U.S Mail, with first class postage, addressed to: Counsel for record; Mr. Ryan Norwood New Hampshire Public Defender, and New Boston Police Department.

Dominic Ali
P.O.BOX 14
Concord, NH 03302
81829
C:file .

Respectfully submitted,
NOV 12, 2010

Dominic

10 of 10

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS

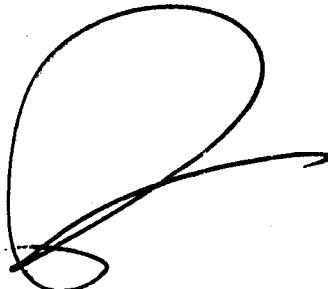
GOFFSTOWN DISTRICT COURT

State of New Hampshire vs. Dominic Ali

438-2004-CR-1627

**ORDER ON DEFENDANT'S MOTION TO
WITHDRAW NOLO CONTENDERE PLEA**

On February 15, 2011, the Court heard testimony regarding the defendant's motion to withdraw his plea. After listening to the record of September 28, 2004, the Court finds that the defendant's recollection of the circumstances surrounding the entry of his plea lacks credibility. Furthermore, the record indicates that the defendant entered his plea knowingly, intelligently and voluntarily. Accordingly, defendant's motion is denied.



Paul H. Lawrence, Presiding Justice

5/3/11
Date

5-5

MANDATE

Certified and Issued as Mandate Under NH Sup. Ct. R. 24

Michele A. Curaway
Clerk/Deputy Clerk

9/14/2011
Date

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

11 of 10

In Case No. 2011-0482, State of New Hampshire v. Dominic Ali, the court on July 25, 2011, issued the following order:

Motion for late entry is denied. Rule 7(1) of the Supreme Court Rules requires that a notice of appeal be filed in this court within thirty days from the date on the clerk's written notice of the decision on the merits. A timely filed post-trial motion stays the running of the appeal period. The clerk's written notice of decision is dated March 3, 2011. Consequently, the appeal should have been filed on or before April 4, 2011. The notice of appeal was filed on July 6, 2011, and thus is untimely filed. The motion for late entry does not demonstrate "exceptional circumstances" as required by Rule 21(6). The appeal is therefore dismissed as untimely filed.

Motion for waiver of the filing fee is granted. Motion to allow counsel to withdraw and to appoint new counsel is moot.

Appeal dismissed.

This order is entered by a single justice (Duggan, J.). See Rule 21(7).

**Eileen Fox,
Clerk**

Distribution:

Clerk, Goffstown District Court 438-2004-CR-01627

Honorable Paul H. Lawrence

Appellate Defender

Attorney General

Mr. Dominic Ali 81829

File

GOFFSTOWN RECEIVED DIVISION
2011 SEP 15 AM 11:27

12 of 10

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPREME COURT

State of New Hampshire

3/1/2011

v.
Dominic Ali

Docket No. 2004, 438-CR-01627.

RULE 7 MANDATORY NOTICE OF APPEAL

NOW COMES Dominic Ali pro-se, who respectfully moves this honorable court to grant this Notice of Appeal for the following reason states below;

In support of this Notice;

On April 4, 2004 Mr. Ali was charge with the violation of Domestic Violence Final Order, and was sentence to (29) days credit in County Jail by the Goffstown District Court.

Mr. Ali appeals from the order of the Goffstown District Court deny Mr. Ali motion to withdraw his nolo contendere plea based upon ineffective assistance of counsel. Filed on 11/12/10 deny 3/3/11

On December 17, 2010 the Court reviewed Mr. Ali's motion and appointed Public Defender to represent him in this case.

On January 20, 2011, Mr. John P. Newman from the Public Defender's Office filed a motion to withdraw and Appoint New Counsel. The New Hampshire Public Defender's Office cannot represent Mr. Ali due to the conflict of interest with the Office during his trial.

On January 31, 2011 the Goffstown District Court appointed new counsel and he entered his appearance as a counsel for Mr. Ali

On March 8, 2011, Mr. Ali advised counsel that he insisted to file an appeal, and request the New Hampshire Supreme Court to rule on the Court error of the Trial court as soon as possible. May 19, 2011, Counsel advised Mr. Ali that he requested the Appellate Defender's to handle the case, knowing that Mr. Ali has a conflict of interest with the Office. See; State v. Veale, 154 N.H. 730 (2007).

13 of 10

Mr. Ali argues that on April 4, 2004 his plea to the nolo contendere plea that lead to his conviction was not intelligently and voluntarily made. See; Boykin v. Alabama, 395 U.S. 238(1969). And that court appointed counsel Ryan Norwood from the Public Defender's Office at the time of the proceeding did not provide such true advice or professional opinion to Mr. Ali. Counsel advised to plea guilty and Mr. Ali told him no, then he advised if convicted Mr. Ali would face six month in County Jail, then counsel advised Mr. Ali that he would go home if Mr. Ali plea nolo and nolo meant nothing. See; State v. Levey, 122 N.H. 375(1985). Mr. Ali's counsel failure to disclose plea offer and not routinely explained the nature of the offense in sufficient detail to give Mr. Ali notice of what he is being asked to admit, or what is the outcome of this plea because Mr. Ali did not want to plea guilty in the first place.

There is a reasonable probability that had not been for this counsel advised, Mr. Ali would not have plea nolo whiches meant guilty and lead to conviction. Mr. Ali would have insisted upon going to trial. And the court did not allow Mr. Ali to withdraw his plea to correct a manifest injustice. See; State v. Laforest, 140 N.H. 289(1995). Mr. Ali's counsel deficient performance fell below an objective standard of reasonableness in failure to disclose material facts or misrepresentation of material fact for the defense. Ryan Norwood from the Public Defender's Office fail to supply the effective assistance of counsel that been guaranteed by part(1)artilce(15)of the State of New Hampshire Constitution when he grossly misinformed Mr. Ali collateral consequences of pleading Nolo contendere. Mr. Ali rely upon that advice in deciding to plea Nolo, and there is a reasonable probability that had not been for this counsel advice Mr. Ali would not plead to this conviction. See; State v. Sharkey, 155 N.H. 638(2007).

14 of 10

**LIST OF SPECIFIC QUESTION TO RAISED ON APPEAL.
SEE SUPREME COURT RULE 16(3)(b).**

1. Whether the court violated Mr.Ali's right under part (1) article (15)of the State of New Hampshire Constitution and (5th,6th)and the (14theen)Amends of the United State Constitution when it deny the motion to withdraw his nolo contendere plea that based upon ineffective assistance of counsel form the Public Defender's Office.
2. Whether the court violated Mr.Ali's right under part(1) article(15) of the State of New Hampshire Constitution and the (5th,6th)and (14theen)Amends of the United State Constitution when court appointed counsel grossly misinformed Ali about the nolo contendere plea and failed to routinely explained the nature of the offense in sufficient detail to give the Mr.Ali notice of what he is being asked to admit,or what is the outcome of his plea.
3. Whether the court violated Mr.Ali right under the fifth Amends of the United State Constitution by failure to offer Mr.Ali an interpreter during the court hearing,when his counsel t told the proceeding judge that Mr.Ali is form the Sudan and he dose not comprehen the presentation of the charge;pursuant to the CIA act,Mr.Ali is entitled to an interpreter.
4. Whether Court erred in not allowing the nolo conviction be vacated because the petition pursuant to the R.S.A 173-B;9,IV to the Justice of the court for protective order was filed by the victim based on "false allegation"and hearsay statements of the complaining victim in violation of Rule of Evidence 803(4) when in de facto, the false allegation was dismissed by the Manchester District Court trial date May 26,2004. See: Fillmore v. Fillmore,147 N.H.283(2001).

15 of 70

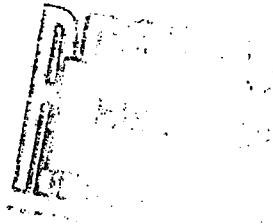
**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH**

Goffstown District Court
329 Mast Road
Goffstown NH 03045

Telephone: (603) 627-2211
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

NOTICE OF DECISION

**JOREL V. BOOKER, ESQ
BOOKER LAW OFFICE PC
66 MAIN STREET
RAYMOND NH 03077**



Case Name: **State v Dominic Ali**
Case Number: **438-2004-CR-01627**

Enclosed please find a copy of the Court's Order dated March 03, 2011 relative to:

Order on Defendant's Motion to Withdraw Nolo Contendere Plea

March 03, 2011

Lillian T. Deeb
Clerk of Court

(438144)

C: New Boston Police Department

4-5

17 of 10

THE STATE OF NEW HAMPSHIRE

MERRIMAN, SS.

SUPREME COURT

July 1, 2011

State of New Hampshire

v.

Dominic Ali

Docket No. 2004-438-CR-01627.

DEFENDANT PRO-SE MOTION FOR LATE ENTRY

NOW COMES, Dominic Ali, who respectfully moves this honorable court to grant this motion for the following reason states below;

1. On Nov 12, 2010, the defendant filed a motion with the Goffstown District Court based upon ineffective assistance of counsel and to withdraw his nolo contendere plea. See; State v. Veale, 154 N.H. 730(2007).
2. The court reviewed the defendant motion and appointed counsel from the Public Defender's Office. Due to the conflict of interest Counsel filed a motion to withdraw on January 20, 2011. The court appointed new counsel to represent the defendant in this case. on January 31, 2011.
3. On February 15, 2011, the court heard testimony regarding the defendant's motion to withdraw his plea. On March 3, 2011, the Goffstown District Court denied the defendant's motion.
4. On March 7, 2011, Counsel for the defendant advised that there are several options available to him to an unfavorable order of the court. and that the defendant has (30) days to file a written notice in which to file an appeal. On March 8, 2011, the defendant requested counsel to file an appeal with the New Hampshire

18 of 70

Supreme Court to the rule and error of the trial court.

5. On May 13, 2011, the defendant ask if counsel did file an appeal with the Supreme Court as requested by the defendant. Counsel respond that he forwarded the defendant request to the Appellate Defender's. So far, the defendant did not get any respons from the Appellate defendere Office whiches the the Public Defender's Office and the defendant has a conflic of interest with Office. See; Veale, 154 N.H. 730(2007). Theirfore, the defendant pro-se filed a motion for late entery because he dos not know whos handling his case.

CERTIFICATE OF SERVICE

I, Dominic Ali hereby certify that on July 1, 2011 , that a copy of this motion was forwarded in the U.S. mail first class postage to : New Boston Police Department and Attorney.

Dominic Ali
P.O.BOX 14
Concord, NH 03302
C:file.

MANDATE

Certified and Issued as Mandate Under NH Sup. Ct. R. 24

Michelle A. Caraway
Clerk/Deputy Clerk

9/14/2011
Date

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2011-0482, State of New Hampshire v. Dominic Ali, the court on September 14, 2011, issued the following order:

After review, the court denies the defendant's motion for reconsideration.

Reconsideration denied.

Dalianis, C.J., and Duggan, Hicks, Conboy and Lynn, JJ., concurred.

**Eileen Fox,
Clerk**

Distribution:

Clerk, Goffstown District Court 438-2004-CR-01627

Honorable Paul H. Lawrence

Appellate Defender

Attorney General

Mr. Dominic Ali 81829

Michelle Caraway, Supreme Court

File

201 SEP 18 A 11:21
GOFFSTOWN RECEIVED
SHERIFF
J. WILSON

THE STATE OF NEW HAMPSHIRE
SUPREME COURT

20 of 70

7/30, 2011.

State of New Hampshire

v.

Dominic Ali

Docket No. 2011-0482.

DEFENDANT'S MOTION TO RECONSIDER THE LATE ENTRY APPEAL

NOW COMES Dominic Ali, pro-se, who respectfully request this honorable court to grant this motion for the following reason states below;

- 1) On the 4th day of April in the year of our lord two thousand and four, the defendant was charge with the Violation of Demestic Violence Final Order and was sentence by the Goffstown District Court to (29)days in Hillsborough County Jail credit.
- 2) On NOV 12, 2011, the defendant filed a motion to withdraw his Nolo contendere plea based upon ineffective assistance of Counsel with the Goffstown District Court.
- 3) On February 15, 2011, the Court heard testimony regarding the defendant motion to withdraw his plea. March 3, 2011, the Court order denied the defendant motion, In that order, the Court states that the defendant entry of his plea lacks credibility and that the defendant entered his plea knowingly, intelligently, and voluntarily.

20 of 10

4) On March 7, 2011, Attorney Jorel V. Booker advised the defendant to bring to his attention if the defendant wish to exercise any option within (30) days with this court to rule on an error of the Goffstown District Court.

On March 8, 2011, the defendant advised counsel that he should filed a Notice of Appeal with this court.

5) On May 13, 2011, the defendant respond with another letter asking if counsel filed the notice of appeal with this court. If so, for the record, he should forward his motion to withdraw from this case and allowed appellate be appointed. On May 19, 2011, counsel for the defendant correspondence that he forwarded the defendant case to the Appellate Defender's Office. In that letter of May 13, 2011, Attorney Jorel V. Booker correspondence that he did not request an appeal with this court and he thought that the defendant was refering to an appeal that was taken prior to his involvement in this case, When in fact, the defendant was telling counsel pecifictly to file an appeal with this court within the time frame.

6) The defendant filed this late entery notice of appeal with this court because the defendant did not have any respond from the Appellate Defender regarding his appeal with this court. The defendant did contact the Appellate Office regarding this case and their is "NO ONE" handling the defendant case as counsel advised the defendant. Consequently, the defendant filed a pro-se, Rule 7 Mandatory Notice of Appeal with this court, Even though it is untimely filed.

7) The defendant has a conflic of interest with the Public Defender's Office. See; State v. Veale, 154, N.H. 730 (2007) Accordinlty, this Office can not represent the defendant in this case. See; New Hampshire Rule of Perfessional Conduct Rule (1.7.) and (1.10.).

21 of 10

WHEREFORE, the defendant respectfully requests that the court:

- 1) Allowed contract Attorney be appointed;
- 2) Allowed this Court to correct a manifest injustice;
- 3) Grant the defendant such other and further relief as is just and equitable.

Dominic Ali
Dominic Ali #81829
P.O. BOX 14
Concord, NH 03302

CERETIFICATE OF SERVICE

I, Dominic Ali, hereby certify that this day of 2011, that a copy of this Motion was forwarded in the U.S. Mail first class postage to : New Boston Police Department; Goffstown District court clerk.

Dominic Ali 81829
p.o. BOX 14
Concord, NH 03302

22 of 10

THE STATE OF NEW HAMPSHIRE
MARRIMACK, SS **SUPREME COURT**

State of New Hampshire

V.
Dominic Ali

Docket No.

PETITION FOR ORGINAL JURISDICTION

NOW COMES, Dominic Ali, who Pro-se, respectfully request this Honorable court to grant this petition for the following reason states below;

BACKGROUND

On February 15, 2011, petitioner was assigned attorney Joral V. Booker, esq, as counsel in case. He was the primary counsel for the petitioner at the time, who was an experience criminal trial lawyer, who was very optimistic about the petitioner chances at the hearing. Counsel had no strategic purposes to discover instructional error. The petitioner had a motion to withdraw his nolo contender plea that was filed on November 12, 2010, with the Goffstown District Court.

On February 15, 2011, Attorney Jorel V. Booker, esq, tempeted to rest on the perceived weakness of the prosecution case, and only interested in a fee.

23 of 70

STATEMENT OF FACT

On August 29, 2004, petitioner victim reported to the New Boston Police Department that on August 29, 2004, that the petitioner Dominic Ali violated a Domestic Violence Final order issued by the Manchester District Court on April 8, 2004.

The petitioner was charge with the violation of protective order and was sentenced to (29) days credit in jail.

On Nov 12, 2010, the petitioner filed a motion to withdraw his nolo contendere plea that was not intelligently and voluntarily made. On December 17, 2011, the Goffstown Districts Court reviewed the petitioner motion and appoints new counsel for the petitioner. On February 15, 2011, the Court heard testimony regarding the petitioner motion to withdraw his conviction that was based upon ineffective assistance of counsel.

On March 3, 2011, the Court denied the petitioner motion, states that the petitioner entry lacks credibility and that his plea was entered knowingly, intelligently and voluntarily made.

On March 7, 2011, Attorney Jorel V. Booker, esq, advised petitioner to bring to his attention if the petitioner whishes to exercise his constitutional rights within (30) days to appeal to this court to rule on the error of the Goffstown District Court.

On March 8, 2011, the petitioner responded with a latter advising counsel that he should file an appeal with the New Hampshire Supreme Court. Counsel responded that he has not file an appeal with this court, as petitioner request him to do so. Instead that he had forwarded petitioner request with the New Hampshire Appellate Defender's Office.

24 of 70

The petitioner contacted the appellate defender's Office and they do not have any request of appeal requested by attorney Jerol v. Booker, Esq. As result of counsel failure to request an appeal with this court, the petitioner filed pro-se, Rule 7 Mandatory Notice of Appeal with this Court on July 7,2011, Even though it was untimely filed. On July 25, 2011, this Court dismissed his appeal for the reason states. Then motion to reconsider was filed and was denied on September 14, 2011, for the same reason.

PETITIONER'S LEGAL ARGUMENT

The petitioner argue that his victim reported to the New Boston P.D, that the petitioner violated his Domestic violence final order issued by the Manchester District Court on April 8,2004, when in fact the protective order was filed under false allegation (1)there were insufficient allegation of fact to support the issuances of an ex part temporary protective order to the plaintiff (2) the RAS 173-B,9,required that a trial court must make a specific finding criminal conduct in order to issue a final restraining order against the petitioner . See; Karen Alexander v. Jonathan Evans, 147 NH 441(2002). As result of false allegation to issuing of the protective order, Trial scheduled date May 26,2004, the Manchester District Court did dismiss the case under Docket no 04 ^{May} 03121, date ~~July 26~~,2004. Further more, the victim have not been the resident of the State. See; Fillmore v. Fillmore, 147 NH 283(2001).

25 of 70

The petitioners argue that on April 4, 2004, his plea to the nolo contender must be dismissed because it was no intelligently and voluntarily made. See; Boykin v. Alabama, 395 US 238(1969).

His attorney Ryan Norwood from the public Defender's Office at the time of the hearing did not provide such true advise and professional opinion ,He advised the petitioner "to plea guilty", the petitioner told him no, then he threatened if convicted ,the petitioner would face six months in county jail. Then he advised the petitioner to plea nolo "because it meant nothing" and that meant you don't know what happened. See; State v. Sharkey, 155 NH 638(2009), Counsel failed to disclose plea offer and not routinely explained to give the petitioner notice of what he is been ask to admit, or what is the outcome, because the petitioner would not plea guilty in the first place over false allegation. See; State v. Levey, 122 NH 375(1985).

There is a reasonable probability that had not been for Attorney Rayn Norwood advised, the petitioner would not plead to this guilty conviction. The petitioner would insist upon going to trial by jury. See; Strickland v. Washington, 466 US 668(1984). Holds were Counsel dose not provide such information, Counsel has perform in effectively. The day of the hearing, Counsel told Judge (Michael J.Ryan) that the petitioner is a native of Sudan, explaining that he do not understood the seriousness of the charge against him, but in the other hand counsel explain to the petitioner that the charge meant nothing. As ground for abuse of Discretion and violation of the CIA Act ,the Court

failed to offer an interpreter during the hearing by violating the petitioner right under the fifth Amendment, Pursuant to the CIA act, the petitioner is entitle to an interpreter.

The judge at the hearing had best position to assist the petitioner usage, comfort level and intelligibility because the petitioner did not understood as counsel advised on the record, and the judge knew that petitioner language was other then the English. The lack of an interpreter during the petitioner proceeding inhibited him "comprehension of the plea or communication proceeding with the judicial and petitioner comparative ability to speak or understand the English language at the time in Court. The petitioner is not a U.S. Citizen and is protected by Part (1) article (2) of the State of New Hampshire. His counsel uses his kindness over weakness and did not explain all of the consequence of the plea nolo contendere that lead to his conviction .See; State v. Harper,126 NH 815(1985). See; also, Clark v. U.S. 159 F.3d 296(2nd cir 1995).

DENIAL OF CONSTITUTIONAL RIGHTS

The six Amendments entitled the petitioner the right to assistance of counsel at all certicle stages. Attorney Jorel v. Booker,esq,knew that his actual constructive denial of assistance of counsel is legally would presumed to result in prejudice. He failed to disclose martial fact or misrepresentation of martial fact and his deficient performance prejudice the petitioner resulting in an reliable or fundamentally unfair outcome of the proceeding, He knew that petitioner's counsel at the time of the hearing lied to the defendant about the plea that result in conviction that was obtained unjust and under constitutional violation.

21 of 70

That he decided to do noting See; Strickland v. Washington, 466 US 688(1984).

The court of appeal s agreed, that the six Amendments impose on Counsel a duty to investigate because reasonable effective assistance must be based on professionals decision, and informed legal chaises can be made only after investigation of options.

The court observed that counsel investigatory must be asseses in light of the information known at the time of the decision not in hind sight, and the amount of pretrial investigation that is reasonable defense precise measurement. Here Attorney Jorel v. Booker,esq,knew that petitioner lack of comprehension during his proceeding lead substation miscarriage of justice that the judge did not seek to measure understanding of what the petitioner have been ask to admit and the plea stand for, Instead the Judge threatened the petitioner,in his word “ don’t come to Goffstown again ,I would lock you up for five years in the State Prison”As result of this conviction that was obtained under violation of constitutional ,the petitioner is serving six years in the Sate prison.

CONCLUSION

The petitioner Ali respectfully moves this Honorable court to dismiss his conviction RSA 173-B; 9 class a misdemeanor.

CERTIFICATE OF SERVICE

I, Dominic Ali,hereby declare under penalty of perjury that the fact states in the forgoing petition are true and correct copy of the this petition has been provided to below first class mailing address U.S. this day of 9 DEC ,2011. To; New Boston P.D.and Counsel.



Dominic Ali 81829
P.O.BOX 14
Concord, NH 03302

MANDATE

Certified and Issued as Mandate Under NH Sup. Ct. R. 24

Eileen R. Cook 2/8/12
Clerk/Deputy Clerk Date

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

28 of 10

**In Case No. 2011-0873, Petition of Dominic Ali, the court
on January 25, 2012, issued the following order:**

Petition for original jurisdiction is denied. See Rule 11.

Petition denied.

Dalianis, C.J., and Hicks, Conboy and Lynn, JJ., concurred.

**Eileen Fox,
Clerk**

Distribution:

9th N.H. Circuit Court - Goffstown District Division 438-2004-CR-01627
Honorable Paul H. Lawrence
Honorable Michael J. Ryan
Appellate Defender
Attorney General
Mr. Dominic Ali 81829
File

RECEIVED
GOFFSTOWN DIVISION
2012 FEB - 9 P 2:53

29 of 20

THE STATE OF NEW HAMPSHIRE

COOS, SS.

SUPERIOR COURT

No. 214-2012-CV-178

Dominic S. Ali

v.

Edward Reilly, Warden

ORDER

The petitioner, Dominic S. Ali, has filed a petition for writ of habeas corpus in which he attacks the validity of his 2004 Goffstown District Court conviction for violation of a protective order. The petitioner asserts that he was denied effective assistance of counsel and an interpreter in the 2004 proceedings and that, therefore, his 2004 plea of *nolo contendere* was not knowing, intelligent and voluntary.

The respondent has filed an answer and motion for summary judgment in which he requests that the Court summarily dismiss the petition with prejudice or, in the alternative, grant summary judgment to the respondent. The respondent argues that the petitioner has raised and litigated, unsuccessfully, all of the issues and claims in his petition, other than the interpreter claim, in numerous prior proceedings and that the petitioner has procedurally waived the interpreter claim for further collateral review.

Having carefully considered the pleadings and other documents on file, the Court concludes that it "need not hold a hearing . . . [because] the existing record of the case clearly indicates that the petitioner is not entitled to the relief requested on the grounds alleged." Diamantopoulos v. State, 140 N.H. 182, 184 (1995) (quoting Grote v. Powell, 132 N.H. 96, 99 (1989). "[R]epeated applications for a writ of *habeas corpus* introducing

CLERK'S NOTICE DATE

2-21-13

Ali

30 of 10

no new facts material to the issue will ordinarily be summarily disposed of." Grote, 132 N.H. at 99 (quotations omitted); LaBelle v. State, 108 N.H. 241 (1967); Gobin v. Hancock, 96 N.H. 450, 451 (1951); Petition of Moebus, 74 N.H. 231, 215 (1907). With the exception of the interpreter claim, the petitioner's present petition asserts all of the same claims and raises all of the same issues that he has raised and litigated in the previous proceedings described in the respondent's answer, and his present petition raises no new material issues of fact. With respect to the interpreter claim, because the petitioner "had both knowledge of the issue and an opportunity to raise it properly" in any of those numerous prior proceedings "but failed to do so, he has procedurally waived the issue for [still further] collateral review." Avery v. Cunningham, Warden, 131 N.H. 138, 143 (1988); McClesky v. Zant, 499 U.S. 467, 498 (1991); see also Sleeper v. Warden, N.H. State Prison, 155 N.H. 160, 163 (2007); Roy v. Perrin, 122 N.H. 88, 100 (1982); Martineau v. Perrin, 119 N.H. 529, 531—32 (1979). The Court agrees with the respondent that the petitioner has procedurally waived the interpreter claim. Because "the record presented clearly demonstrates that the petition is without merit," and for the reasons set forth in paragraphs 1—14, paragraphs 22—32, and paragraphs 34—37 of the State's answer and motion, the petition for writ of habeas corpus is DENIED without a hearing. See Diamantopoulos, 140 N.H. at 185; Grote, 132 N.H. at 99.

The Court's order herein renders moot the other pending motions in this case.

So Ordered.

Dated: 2/21/13


Peter H. Bornstein
Presiding Justice

THE STATE OF NEW HAMPSHIRE
SUPERIOR COURT

31 of 70

Coos County, ss

State of New Hampshire

v.

Dominic S. ALI

Case No. 438-2004-CR-01627

COOS SUPERIOR COURT
1012 SEP 21 2012

A.D. 25

COOS SUPERIOR COURT

DEFENDANT'S MOTION TO WITHDRAW NOLO CONTENDERE
PLEA

Now comes, Dominic Ali, Sui Juris, respectfully request
the Honorable Court to grant this motion for the
following reason states below;

- ① A Domestic Violence Final order issued pursuant to RSA 173-B:9, IV, III case No. 04-M-440, on April 8, 2004 by the Superior Court Hillsborough County was filed under false allegation were their insufficient allegation
of facts to support the issuance of an ex-parte
temporary protective order to the plaintiff. See:
State v. La Forest, 140 NH 286 (1995) also Fillmore v. Fillmore
147 NH 283 (2001).

COOS SUPERIOR COURT
2012 OCT -9 P 1:48

② On August 29, 2004, the defendant Ex-Girlfriend by anger and slander reported to the New Boston P.D. that the defendant violated a Domestic Violence Final order. See Doc # 04-03121, Manchester District Court, the defendant was arrested on an active warrant based upon her say. The defendant charged with the violation of protective order. After a hearing, the defendant was sentence to (29) days credit by his incompetent assistance of Counsel Mr. Rayn Norwood.

See: State v. Macdonals, 151 N.H. 732 (2007)

③ On Nov 12, 2010, the defendant filed a motion to withdraw his nolo contendere plea that was not intelligently and voluntarily made. On Dec 17, 2010, the Goffstown District Court reviewed the defendant motion and appointed new Counsel. On Feb 15, 2011, the Court heard testimony regarding the defendant motion based upon ineffective assistance of Counsel and denied the defendant relief based upon defendant lacks of credibility.

④ The defendant States that his nolo contendere plea was not intelligently and voluntarily made see: Boykin v. Alabama, 395 U.S. 238 (1969). Attorney Rayn Norwood from the public Defenders Office did not provide such true advise or professional opinion. Counsel advised "you will go home if you plea nolo, and because nolo of 4 meant nothing" Not a conviction. See:

State v. Sharkey, 155 N.H. 638 (2009) also

Strickland v. Washington, 466 U.S. 688. (1984).

The defendant states that his Counsel failed to disclose material facts and misrepresentation of material facts to the defendant and not routinely explained the nature of the offense or plan in sufficient detail to give the defendant notice of what he is being asked to admit and what the outcome of his plan, when the defendant refused to guilty. On the record; there is information known to the Court at the time of the hearing sufficient to raise doubts about the defendant competence.

See. Pace v. Robinson, 383 U.S. 375 L.Ed. 2d 5.c.t (1966).

⑤ The defendant states, that the Honorable Court violated his Constitutional Rights State and Federal in failure to offer the defendant an interpreter during the hearing. Owing to the CIA act, when there is ambiguity of language in plan agreement. At the time of the hearing, the defendant possessed minimal formal education and little familiarity with the Court proceeding, that the Court failed to advised the defendant certain Constitutions Rights nor his Counsel that he had a right to insist on a trial by jury and the consequent waiver of that right by plan solo. WHEREFORE, The defendant respectfully request this Honorable Court;

34 of 70

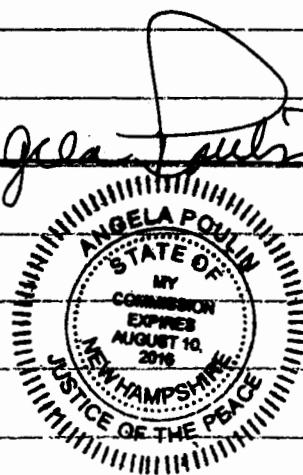
1. Allowed this motion be granted;
2. Allowed the Court to correct a manifest injustice;
3. Grant the defendant such other and further relief as is just and equitable as this Court deems Right.

CERTIFICATE OF SERVICE

I, Dominic Ali, hereby certify that under penalty of perjury, that a copy of this motion has been forwarded to Attorney General's Office, First class postage address on Sept 13, 2012.

W. Dominic Ali
2/13/12

Angela Poulin, 09/13/12



Dominic Ali 81829
138 East Main Rd
Berlin, NH 03570

35 of 70

THE STATE OF NEW HAMPSHIRE
SUPERIOR COURT

Lancaster County, NH

State of New Hampshire

v.

Dominic Ali

Case No. 438-2004-CR-01627

MEMORANDUM OF LAW IN SUPPORT OF THE MOTION
TO WITHDRAW THE NOLO CONTENDERE PLEA.

On or about August, 2004, the defendant was assigned Attorney Rayn Norwood from the Hillsborough County Public Defender's Office. Attorney Rayn Norwood was the primary Counsel for the defendant at the time of the hearing. He was an experience criminal lawyer that he was very optimistic about the defendant's chances in Court. Attorney Rayn Norwood has no strategic purpose to discover instructional error, that he tempt to rest on the perceived weakness of the prosecution case. Attorney Rayn Norwood was ~~not~~ ^{only} interested in a fee.

LEGAL ARGUMENT

¶ 7 The defendant argue that the victim Loretta D. Lee-Roy reported to the New Boston P.D. on August 29th, 2004, that the defendant violate a Domestic

violence Final order issued by the Hillsborough County Superior Court, when in de facto, the protective order was filed under false allegation (1) there were insufficient allegation of fact to support the issuance of an ex parte temporary protective order to the plaintiff (2) the RSA 173-B:5 require that the Court must make a specific finding of Criminal Conduct in order to issue a final restraining order against the defendant.

On May 26, 2004, the defendant went to trial after pleading not guilty and the allegation with few case was dismissed. See; Fillmore v Fillmore, 167 NH 283 (2004) because the victim did not show an immediate and present danger of abuse by the defendant.

The defendant argue that, on August 29, 2004, he was stop for another violation of open container, alcohol, when he was arrested on an active warrant from the Goffstown and he was charge with the violation of the protective order. After a hearing, the defendant was sentence to (29) days credit by his incompetent Attorney.

The defendant argue that his plea must be vacated from his criminal record because his plea was not intelligently and voluntarily made. See;

Boykin v. Alabama, 395 U.S. 238 (1969) His Attorney Rayn Norwood a public Defender did not provid such true advice or professional opinion about the plea-Nolo, He advised the defendant to plea guilty,

31 of 70

the defendant told Counsel no, because ^{he} hasn't done nothing, then Counsel threatened that the defendant would face six months in jail if convicted, then ~~convinced~~ Counsel grossly misinformed the defendant about the plea nolo, that, "it meant nothing" and the defendant would go home. See: State v. Offen, 156 NH 435 (2007).

COLLATERAL DAMAGES

Counsel failed to disclose plea offer and not routinely explained the nature of the offense went it carries a felony conviction. in Sufficient detail to give the defendant notice of what he is being ask to admit, or what is the outcome, and the Court acceptance of Ali's plea violated his due process rights as guaranteed by part (1) article (15) of the New Hampshire Constitution.

There is a reasonable probability that had not been for Attorney Rayn Norwood advised to plea nolo, the defendant would insist upon going to trial by jury. See: State v. Sharkey, 155 NH 638 (09). Held's were Counsel does not provide such information, Counsel has perform ineffectively. Failure of the Court to determine whether the defendant was pressured and misinformed into signing on to package plea calls to question of the voluntariness of the nolo plea. See:

Valencia v. U.S. 923 F.2d 917 (1st 1991)

the defendant possessed minimal formal education and little familiarity with ^{the} legal system. that

the Court during the hearing failed to advise the defendant certain Constitutional rights. See: Henderson v. Morgan, 426 U.S. 637, 146 F.2d 5-ct (1976) or informed the defendant critical element of the offense to which he plea. As abuse of discretion and violation of the CIA act, the Court failed to offer the defendant an interpreter during his hearing that is violation of the Fifth Amendment. Pursuant to the CIA act, the defendant is entitled to an interpreter. The Judge at the hearing had best position to assess the defendant instead he threatened the defendant with five years in prison. the record would reveal that the Judge had usage, comfort level and intelligibility knowing the defendant language other than the English during the hearing. The lack of an interpreter during the proceeding inhibited the defendant comprehension of the plea and communication with attorney who lived to the defendant and the judge. The Court failed to seek to measure defendant comparative ability to speak or he understood the English language; because of the ambiguity of language in plea agreement. See: Margalli-olver v. INS, 43 F.3d 345 (8th Cir. 1994).

1 of 7 The Federal Constitution offer the defendant no greater protection than does the State Constitution under these circumstances; See: Albers, 113 N.H. at 138; Smith, 127 N.H. at 439, NAACP v. Alabama, 377 U.S. 288 (1964).

The Court must judge the reasonableness of Counsel on the fact to the particular case.

A defendant claiming ineffective assistance of Counsel must show (1) that Counsel representation fell below an objective standard of reasonableness (2) that Counsel deficient performance prejudice his case. Second part of Strickland requires a criminal defendant to show prejudice from Counsel deficient performance for the purpose of establishing ineffective assistance of Counsel under Federal Constitution (6th) Amendment, where such claim involves Counsel performance during the course of Legal proceeding, either at trial or appeal, (A) showing how specific errors of Counsel undermined the reliability of a finding of guilt, or (B) demonstrating that Counsel errors actually had an adverse effect on the defendant case. See:

Cook v. Lynaugh, 821 F.2d 1072 (ca 5th 1987)

In the instance case, the defendant would had not plead or nor been found guilty if it wasn't for his Counsel advised. See: Powell v. Alabama, 287 U.S. 45, 69, S.C.t (1932). also, Richter v. Hickman, 578 F.3d 944 (ca 9th 2009).

of 7 Therefore, Attorney Rayn Norwood representation fell below an objective standard of reasonableness in failure to disclose material facts or misrepresentation of material facts to the defendant.

DENIAL OF CONSTITUTIONAL RIGHTS
STATE AND FEDERAL

The six Amendment entitle the defendant a right to assistance of Counsel and due process of law under the Fifth, and part (1) article (15) of the State Constitution. See, State v. MacAskill, 129 NH 405.

Attorney Rayn Norwood actual construction denial of assistance of Counsel is legally presumed to result in pre-judice the defendant resulting in unreliable or fundamentally unfair outcome of the proceeding whose result is reliable. Strickland v. Washington, 466 U.S. 668 (1984). The Court of appeals agrees, that the six Amendment impose on Counsel a duty to investigate because a reasonable effective assistance must be based on professional decision, and informed legal choices can be made only after investigation of options. The Court observed that Counsel's investigatory must be assessed in the light of the information known at the time of the decision not in hindsight, and the amount of pretrial investigation that is reasonable - defense precise measurement. As matter a law the defendant assertion of ineffective assistance of 7 simply cannot excuse a lawyer failure to inform and then advise his client, there purpose of advised is to have an effect on the defendant view. Attorney Rayn Norwood knew the defendant was motivated primarily by a strong desire not to feel guilty to anything that result in conviction.

41 of 70

Conclusion

The defendant Ali, respectfully move this Honorable Court to vacate his conviction the RSA 173-B; 9, IV, 111 for the reason stated on the motion to withdraw no/lo contendet plea.

CERTIFICATE OF SERVICE

I, Dominic Ali, hereby declare under penalty of perjury that the fact states in the foregoing motion and the memorandum of law are true and correct copy has been sent to the Attorney Generals office, via U.S. Mail postage address first class on Sept 13, 2012

Dominic Ali
2/13/12

Angela Poulin 09/13/12

of 7 Dominic Ali 81829
138 East Main Rd
Berlin, NH 03570
C: file



42 of 10

THE STATE OF NEW HAMPSHIRE
SUPERIOR COURT

Coos County, ss

Term 2013

Plaintiff Dominic Ali

v.

Defendant Edward Reilly, Warden

Case No. 214-2012-cv-00178

Plaintiff's motion Request for Admission

Now Comes, Dominic Ali, Plaintiff, respectfully
requests this Honorable Court to grant this motion
for the following reason stated below;

The plaintiff has a motion with this Court
to withdraw a nolo contendre plea that was
not intelligently and voluntarily made, See,-
Boykin v. Alabama, 395 U.S. 238 (1969). The
plaintiff states that his incompetent attorney
from the public Defenders Office, Mr Rayn
Norwood grossly misinformed the plaintiff's
about the law, in failure to provide true
advice and professional opinion not routinely
explain the true nature of the offense
in sufficient detail, See, State v. Sharkey,
155 N.H. 638 (2009).

The Plaintiff requests the opposing party to admit that the Manchester and Goffstown District Courts decision that the plaintiff posed a credible threat to the victim safety as based largely and relying heavily on the allegation of the prior incident, when there was insufficient allegation of fact to support the issuance of an EX-Part temporary (DVP) order on April 8th, 2004.

That the Court conducted a hearing on April 7, 2004, without the plaintiff present or the victim. Having consider the victim petition for (DVP) The plaintiff was arrested on April 3, 04 and was at the county jail, when the Court issued a summons for the Plaintiff to appear before the Court for his testimony that could have had the Court dismissed the victim petition of (DVP).

That the Plaintiff incompetent Counsel did not request for production of documents "Discovery" during the 24th Days of the Plaintiff incarceration to familiarize him self with the case. See; *Brady v. Maryland*, 373 U.S. 83 (1963). also, *State v. Lauric*, 139 N.H. 325 (1995). For the purpose of attacking the character

- 104 - truthfulness of the State case and to

Proof as set of dishonesty and false statement that ever made by the victim on the petition of (DVRP), that could be admissible for attacking her credibility.

That the Court however never informed the Plaintiff's that the State had to prove beyond a reasonable doubt their case, and to demonstrate to a clear and convincing degree that the Plaintiff's entered his plea without pressure and with understanding that he had a right to insist on a trial and ultimately jury trial, before signing on to plea package.

That the Plaintiff's was arrested on August 2004, on an active warrant from the Goffstown District Court for violation of protective order and that he was also charge with possession of alcohol by a minor, that at the hearing for that case, the Plaintiff was offered an interpreter because the Plaintiff's language was other than English and he possessed minimal education in 2004. And that Julie Sennerville and Michael Duncan, will provide this Court with relevant fact to the Plaintiff's level of education that lead his incompetent Counsel to misinform him about the law and pressured him into signing on to plea package.

45 of 10

That the plaintiff is currently incarcerated for longer terms as result of his unlawful and bias conviction of Nolo contendere plea on Sept 28, 2004, and that the State did upgranted the Plaintiff's misdemeanor offenses to felonies based upon this conviction.

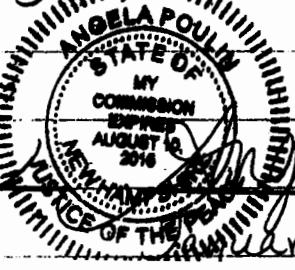
Conclusion

The Plaintiff Dominic Ali, respectfully moves this Honorable Court and request the opposing party to admit that the particular pieces of information is true and to verify all document filed with this court is genuine.

- 1- Allowed this Honorable Court to correct a manifest injustice;
- 2- And grant the Plaintiff such other and further relief as is just and equitable.

Certificate of Service

I, Dominic Ali, hereby certify under penalty of perjury, that a copy of this Request for admission has been forwarded to Assistant County attorney Kathleen Broderick 1255, 1/31/13, First class postage address - C:file



46 of 10

THE STATE OF NEW HAMPSHIRE
SUPERIOR COURT
Coos County, SS

Term 2013

Dominic Ali

Edward Reilly, Warden

Case No & 214-2012-cv-00178

Petitioner's

Defendant's Motion for Summary
Judgment

NOW COMES, Dominic Ali, sui juris, respectfully reverts this Honorable Court to grant this motion for the following reason states below;

The defendant has a motion to withdraw a Nolo Contendere plea, that was not intelligently and voluntarily made, see: Boykin v. Alabama, 395 U.S. 238 (1969). The defendant states that his incompetent from the public Defender's Office, Mr. Rayn Norwood misinformed the defendant about the law, failing to provides true advise and professional opinion not routinely explain the nature of the offense in sufficient detail.

49 of 70

On or about August, 2004, the defendant was assigned attorney Rayn Norwood from the Hillsborough County Public Defender's Office, who was the primary Counsel for the defendant at the time of the hearing. He was an experience criminal lawyer who had a bad reputation as a working agent with the assistance County attorney's and never acted in a role of an active advocate on behalf of his clients. The date of the hearing, Counsel was very optimistic about the defendant chances, that he has no strategic purpose to discover instructional error. Counsel rested on the perceived weakness of the prosecution case. Because he's only interested in a fee.

A Domestic violence final order issued pursuant to RSA 173-B:9, IV, by the Manchester District Court on April 8th, 2004, that was filed under false allegation when there was insufficient allegation of facts to support the issuance of an Ex-Part temporary (DVP) to the Plaintiff. See: Fillmore at "47 NH 283".

The Court having consider the Plaintiff's petition, it issued a summons for the defendant who was arrested on April 1st, 2004, and was at the County Jail for 20th Days, to appear before the Honorable Court for his testimony.

The defendant have no record of an attorney been appointed by the Court to represent him another did he was allowed to appear before the Court for his testimony on April 8, 2004. See; Defendant motion to amend Filed with this Court (Exhibit A 1).

On April 1st, 2004, the defendant was order to appear before the Honorable Court to answer to the Complaint charging him simple Assault RSA 63:2-A and stalking that record on March 27, 2004, after he was arrested without been served with the (DVP) petition at his residence. The defendant plead not guilty and trial was set for May 26, 2004, All charges were dismissed by the Court, Justice Norman E. Champsagne. See; (Exhibit A 2) motion to amend Filed with this Court.

For the purpose of attacking the character or truthfulness of the plaintiff, the defendant has proof an act of dishonesty and false statement made by the plaintiff. As the plaintiff (DVP) and all charges were dismissed by the Court as listed above should be admissible for attacking her credibility at trial, should the State call her as a witness.

49 of 70

Failure of the Court to determine whether the defendant was pressured and misinformed into signing on to package plea, calls to question of the voluntariness of the plea.

The defendant at the time of the hearing possessed minimal education and little familiarity with the legal system. At the same time, the trial Court, however never informed Mr. Ali that the State had to prove beyond a reasonable doubt that the defendant violates order of protection.

The 14th Amendment provides that no State shall deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the law.

See; Margalli-Ovora v. INS, 43 F.3d 345 (8th Cir. 94)

And requires that a plea guilty be made knowingly and voluntarily because it involves a waiver of Constitutional Rights on the part of the defendant.

This Honorable Court would notice on the plea package the defendant did not write the date and the highest educational grade. The defendant was given the plea package upside down under pressure by his Counsel tell him "Just sign it". See; Exhibit 1

The rule requires that the Court must address a defendant in open Court to make sure that there is a clear understanding between the

go of 70

Court and the defendant of the following

- ① Nature of the charges ② guilty plea was free from coercion
- ③ Consequence of the guilty plea
- ④ Defendant rights to trial by jury
- ⑤ Rights to testify and call witness and the privilege against self incrimination.

Instead the judge threatened the defendant with five years in prison for a lie made by the plaintiff on her way out of the country.

Criminal law- Right to Effective Counsel
Plea; Defense Counsel will fail to supply the effective assistance of Counsel guaranteed by the New Hampshire Constitution, if Counsel grossly misinforms a criminal defendant client about the collateral consequence of pleading guilty the defendant relies upon that advice in deciding to plea guilty and there is a reasonable probability that the defendant would not have pled nolo but for that erroneous advice.

The defendant would insist upon going to trial by jury, call all his witness and face his accuser and have his rights to testify.

The defendant was sentenced to 299 days credit by his incompetent Counsel who had known the defendant was motivated primarily by a strong desire not want to plea to anything that result in conviction.

The violation of Boykin did not entitle the defendant to relief on this collateral attack with respect to this Court as the Honorable Court would notice, it simply left the State with the burden to demonstrate to a clear and convincing degree that when McAfee entered his plea, he understood that he had a right to insist on a trial, and ultimately jury trial before the Goffstown District Court.

As the defendant moves to withdraw a prior guilty plea, he has the burden to prove that his earlier plea was not made voluntarily and that withdrawal of the plea must be allowed to correct a manifest injustice. See; State v. LaForest, 140 NH 286 (1995). Within this Court discretion to grant the withdrawal of this conviction, this Court is not required to believe the defendant's statement. The defendant provided this Court with enough evidence that the victim fabricated stories and is known by the family to be a liar and untrustworthy that she doesn't know very many moral

52 of 70

boundaries and its unfortunate that she is willing to do whatever to have the defendant arrested over and over again for these horsey statement she made, knowin that the Hillsborough County District Attorney more then likely to act on those false statement and act of dishonesty to arrest the defendant simply because he is a black men that his more then likely to commit the crime charge, and always discriminatory conduct have been taken with full recklessness disregard by the District Attorney's Office. As this Honorable Court would notice that, the defendant has no criminal record and Mr. Ali insist to the District Attorney's Office recklessness disregard motivated by racial bias to make him one.

The Fourth Circuit has expressly stated this delineation: "Ordinarily, an attorney need not advise his client of the myriad collateral consequences of pleading guilty. However, where the client asks for advice about a collateral consequence and relies upon it in deciding whether to plea guilty, the attorney must not grossly misinform his client about the law." And its clear on the record of the hearing 9/23/04, Counsel for the defendant advise the Court that Mr. Ali have no idea of how those the severe charges and that he is from Sudan but back in the holding cell, Counsel threatened

the defendant to plea guilty, if not the defendant would face six month in jail if convicted. The defendant insist to plea guilty, then Counsel misinformed the defendant to "plea nolo because Nolo meant nothing and you don't know what happened and you will go home". This is not the first time that the New Hampshire public Defender's Office and the Assistant County Attorney's violate Mr. Ali's Constitutional Rights. Were public Defender's attorney's that tend Mr. Ali to take a plea of guilty or face immigration consequence if convicted, or the County attorney's over charge Mr. Ali with a non source charges that violate Mr. Ali's Constitutional protection of due process, equal protection and reasonable bail, and the trial Court always have been in denial and refusal to inquire into defendant need for an interpreter because of his inability to pay for one. that is in violation of Mr. Ali's Sixth Amendment right to confrontation and due process of law. The defendant limited education lead to his Counsel to misinform the defendant about the law and railRead the defendant into signing an acknowledgement and waiver of rights form that is the state only evidence to this unlawful conviction. The State complaint date August 29, 2004, States that the defendant knowingly violate a (WFO) issued pursuant to RSA 173-B Doc No XI 04-M-440 on 4/08/04,

by the superior Court, but failed to informed this Court that the Honorable Judge Philip P. Mangano was violate Mr. Ali's due process of law in not allowing him to appear before the Court for his testimony. The defendant was at the County jail for (20) Days from 4/1/04 to 4/20/04. without the defendant apperience the Court found that the Plaintiff has been abused this Court has copies of that matter of Ali v. LeRoy. Therefore, the State would fail to carry its burden of demonstrating that the defendant Nolo plen was Knowingly, voluntary and intelligent because the defendant was in jail when the Court conducted a hearing. The defendant have doubt that neither did the Plaintiff was in Court for that hearing on 4/8/04. Because the Court nor the State have a record of the plaintiff was in Court when the defendant ask. Therefore the petition of the (DRP) should have been dismissed by the Court.

Collateral Damages

Counsel failing to disclose plea offer and not routinely explained the nature of the offense went it carries a felony conviction in sufficient detail violated Mr. Ali's due process rights as guaranteed by prof (1) article (15) of this State constitution and the fifth Amendment rights.

Attorney Rayn Norwood failure to consider all circumstances to investigate the plaintiff's lies and false allegations, was he did not familiarize him self with the discovery and neither did he provided the defendant with discovery. See: Brady v. Maryland, 373 U.S. 83 (1963) also, State v. Lauric, 139 N.H. 325 (1995).

Please be advised, that this is the same issue. the defendant was working as a Walder with the North American upfitters INC. five month latter on August 24th, 2004, the plaintiff found out that the defendant works nothing to do with her, she by anger and slander reported to the New Boston P.d. that the defendant violated (DVP) order that was dismissed or should have been dismissed by the court knowing that the (DVP) was filed on false statement and dishonesty.

The defendant was arrested again on an active warrant and 294 days latter his incompetent attorney showed up in court for the hearing advising the defendant to "plea guilty" when the defendant said no, he threatened the defendant with more jail time, then he advised the defendant to "plea no/lo because it meant nothing". Counsel grossly misinform the defendant about the law. See: State v. Offen, 156 N.H. 435 (2007).

The defendant's conviction is pending before the Federal Court for the First Cir of N.H. One of the issues is the incompetency of the Public Defender's Office program who is in fear to subject the Assistant County Attorney's to meaningful adversarial challenge during McAli's trial. As it seem they check with County attorney if they agree with every motion they need to file with the Court. See, attachment 1) I don't ask the District Attorney if he agree or approve of this motion, their is a reason for something called an objection. With respect to this Honorable Court. This is what is going on with these incompetent Attorney's, wonder why they prejudiced the defendant every case.

The Constitutional requirement of substantial equality and fair process can only be attained where counsel acts in the role of an active advocate on behalf of his client, and opposed to that of *amicus curiae*, the no-merit letter and procedure it trigger do not reach that dignity. Counsel should and can with honor and without conflict be of more assistance to his client and the Court. His role as an advocate requires that he support his client not rail road him. See; *Powell v. Alabama*, Counsel's advised was essential as a Constitution matter. Any issues beyond *nolo plea* conviction its

irrelevant. As this Court would notice in the decision of the New Hampshire Supreme Court in the case the State v. Macleod, which "141 NH 427" that "the trial Court have the authority and the obligation to the curb prosecution broad discretion, if over charging poses danger of confusion, harassment or other unfair prejudice."

See, State v. Sharkey, 155 NH 638 (2007). Were Sharkey pled guilty to driving under the influence of alcohol. Sharkey had a Massachusetts driver's license. When he pled guilty and he informed his incompetent attorney that he had four prior conviction in Massachusetts for operating a vehicle under the influence of alcohol. Sharkey asked his incompetent attorney what effect a conviction in the pending N.H. case would have upon his Mass driver's license. His incompetent attorney told him that Mass would suspend his license for the same period of the time as N.H. and advised him to plead guilty. Once the Mass DMV received notice of that plea and conviction while intoxicated in this State however, the Mass DMV revoked his license for lifetime according to their laws.

Sharkey would not have pled guilty to the N.H. charge had he known that it would result in the permanent revocation of his Mass license.

On appeal both parties agree that the license revocation penalty imposed by Massachusetts is a collateral consequence of the guilty plea August, 2004. In the instance case, unlike Mr. Shankley's case which involve driving while intoxication, where both the defendants rely upon Counsel advise, under part C1 article 15 of the State of NH. and the sixth Amendment to the United States Constitution, was Mr. Ali's Counsel grossly misinform him about the law, "that the plea Nolo meant nothing" three years after Mr. Ali found out that his counsel advise was a lie.

Strickland v. Washington, 466 U.S. 668 (1984). The Court of appeals agrees that the sixth Amendment imposes on Counsel a duty to investigate because a reasonable effective assistance must be based on professional decision, and informed legal choices can be made only after investigation of options. The Court observed that Counsel's investigatory decision must be assessed in the light of the information known at time of the decisions not in the hindsight and the amount of pretrial investigation that is reasonable defense precise measurement.

In the instance case, Ali's attorney had no strategic purpose but to make a fast buck by throwing Mr. Ali under the Bus with moral turpitude.

ABUSE of DISCRETION

The Judge at the hearing had best position to assess the defendant, instead according to the record, to therefore the defendant with five years in prison. And that five years would come from the plea package that the defendant did not understand on Sept 28, 2004.

The Judge had usage, comprehension and intelligibility to assess the defendant when Counsel for the defendant advised the Court that MR. Ali is from the Sudan, according to Plaintiff, his language is other than English during the hearing. The lack of an interpreter during the proceeding inhibited the defendant comprehension of the plea and communication with the Court. As the Court failed to seek to measure the defendant comparative ability to speak or if he understood the English language. Please be advised that the defendant was in the Country for four years only when he was convicted of the Nolo plea, both the defendant and his Ex-Girlfriend were speaking language other than English. Therefore ambiguity and language barrier had an effect on the defendant plea agreement. See; Margalli-oliver v. INS, 43 F.3d 345 (8th Cir. 1994). That Counsel and the Court knew the State had a hearsay statement and the Court aware of risk of undermining the

public confidence in the judicial process. They pressured the defendant into signing the plea package that he did not understand.

Please be advised, that the defendant on August 2004, was arrested on an active warrant from the Goffstown District Court for violation of protective order and also was charge with possession of alcohol by a minor by Manchester P.d. As the defendant is entitled to an interpreter, the judge at the Manchester District Court offer the defendant an interpreter because the defendant language was other than English and that conviction result in a fine of \$ 400. And that happen the same year. See; NO # 04-069600, August 31, 2004, Attachment J.

The defendant characterizes the Goffstown District Court decision that the defendant posed a credible threat to the plaintiff's safety as based largely and relying heavily on the allegation of the prior incident of March 27th, 2004, that the Manchester District Court dismissed on May, 2004 Case NO # 04-23835, Exhibit A2 in this court position.

The Federal Constitution offer the defendant no greater protection then does this State Constitution. Under those circumstances,

61 of 70

This Court must judge the reasonableness of Counsel on the fact to the particular case.

As this Court would notice on the defendant memorandum of law filed on 9/13/12, the had a reason to insist upon going to trial by jury.

This is a plain errors which is obvious and seriously affected the fairness, integrity, or public reputation of the Judicial proceeding. See; State v. MacInnis, 151 NH 732 (2007) also U.S. v. Davis, 974 F.2d 182 (DC Cir 1992). (1) Denial of the trial Court to allowed the defendant to appear for the (DVP) hearing on 4/12/04 for his testimony that could have this petition dismissed (2) Denial of Attorney Ryan Norwood the assistance of Counsel and grossly misinformed the defendant about the law (3) on 9/28/04. (3) As result of this unjust conviction the defendant on February 4th, 2008, was charged with felonies relating to this Nolo plea.

On or about, 2008, the defendant advised his trial Counsel who represented him under conflict of interest that they failed to investigate this Nolo plea conviction, in favor of that conflict of interest they descended to make an agreement with the State who discriminatory over charge the defendant with double jeopardy that prejudiced the outcome of his case.

Conclusion

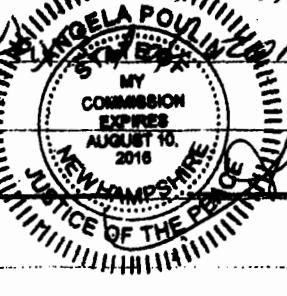
The defendant Dominic Ali, respectfully moves this Honorable Court to dismiss this Nolo conviction RSA 173-B:9, with prejudice.

The defendant is currently incarcerated for longer term as result of this bias conviction of Nolo conviction been upgraded by the State in his misdemeanor offenses indictment of 2008, see 838,859.

- 1- Allowed this Honorable Court to correct a manifest injustice;
- 2- As result of this Nolo conviction the defendant is facing immigration consequences of a prison sentence that result from his conviction of the Nolo been upgraded to felonies. And grant the defendant such other and further relief as is just and equitable.

Certificate of Service

I, Dominic Ali, hereby certify that a copy of motion and under penalty of perjury, has been forwarded to Assistant Court Attorney Kathleen Broderick, esq. this 13 First Month.



the defendant

1/3/13

Angela Toth

1/3/13

of 18

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2013-0155, Dominic S. Ali v. Warden, Northern New Hampshire Correctional Facility, the court on June 6, 2013, issued the following order:

Notice of appeal is declined. See Rule 7(1)(B).

Under Supreme Court Rule 7(1)(B), the supreme court may decline to accept a notice of discretionary appeal from the superior or circuit court. No appeal, however, is declined except by unanimous vote of the court with at least three justices participating.

This matter was considered by each justice whose name appears below. If any justice who considered this matter believed the appeal should have been accepted, this case would have been accepted and scheduled for briefing.

Declined.

Dalianis, C.J., and Hicks, Lynn, and Bassett, JJ., concurred.

**Eileen Fox,
Clerk**

Distribution:

Clerk, Coos County Superior Court, 214-2012-CV-00178
Honorable Peter H. Bornstein
Mr. Dominic Ali
Attorney General
File

64 of 70

THE STATE OF NEW HAMPSHIRE
SUPREME COURT

EILEEN FOX
CLERK OF COURT
TIMOTHY A. GUDAS
DEPUTY CLERK
ALLISON R. COOK
DEPUTY CLERK



ONE CHARLES DOE DRIVE
CONCORD, N.H. 03301
(603) 271-2646
1-888-535-1946
TTY/TDD RELAY 1-800-735-2964
www.courts.state.nh.us

March 7, 2013

Mr. Dominic Ali
Northern NH Correctional Facility
138 East Milan Road
Berlin, NH 03570

RE: 2013-0155, Dominic S. Ali v. Warden, Northern New Hampshire
Correctional Facility

Dear Mr. Ali:

On March 6, 2013, a filing in reference to the above-captioned matter was received in the clerk's office and has been docketed as case number 2013-0155. A court order will be issued regarding further proceedings.

All correspondence and pleadings, which are filed at the Supreme Court by any party in the case, except the initial filing of the appeal document, must have the correct Supreme Court docket number. Please refer to Rule 26.

Very truly yours,

Allison R. Cook
Deputy Clerk

Distribution:

Clerk, Coos County Superior Court, 214-2012-CV-00178
Attorney General
File

65 of 70

THE STATE OF NEW HAMPSHIRE

JUDICIAL BRANCH

<http://www.courts.state.nh.us>

Court Name:

Coos, ss Superior Court

Case Name:

Dominic Ali v. Edward Reilly, WardenCase Number:
(if known)214-2012-CV-00178-MOTION FOR: Waiver of Rule 7 in part

The Appellant in the matter caption above, Sri Juras, and respectfully states the following facts and requests the following relief:

that he submitted a Notice of Appeal and is without sufficient funds to provide the Honorable Court with the number of conformed copies required by Rule 7. The appellant has submitted his Affidavit relative to his financial conditions. The Appellant has submitted two copies of his Notice of Appeal with two original and has otherwise complied with Rule 7 by sending conformed copies to the Court below and Counsel for the parties.

WHEREFORE, the Appellant prays this Honorable Court waive the exact requirement of Rule 7 and authorize submission.

3/17/13

Signature

Alex Domnick

Address

138 E Milan Rd, Berlin, NH, 03570

Date

Telephone

I certify that on this date I mailed/delivered a copy of this document to:

or

County Attorney

(other party's attorney)

Signature

Alex Domnick

Date

ORDER

 Motion granted. Motion denied.

Recommended:

Date

Signature of Marital Master

Printed Name of Marital Master

So Ordered:

I hereby certify that I have read the recommendation(s) and agree that, to the extent the marital master/judicial referee/hearing officer has made factual findings, she/he has applied the correct legal standard to the facts determined by the marital master/judicial referee/hearing officer.

Date

Signature of Judge

Printed Name of Judge

66 of 70

THE STATE OF NEW HAMPSHIRE
SUPREME COURT
<http://www.courts.state.nh.us>

Trial Court Name: Coos Superior Court

Trial Case Name: 214-2012-cv-00178/ Ali v. Rosly, warden.

Trial Case Number: ↓
(if known)

MOTION TO WAIVE FILING FEE

1. Person requesting that filing fee be waived: Dominic S. Ali
2. Reasons for request to waive filing fee:
Mr. Ali was found guilty after trial by Jury in 2008, he was sentenced to six years in prison. The trial court already determined that Mr. Ali was indigent and qualified for appointed counsel. Mr. Ali submits the financial affidavit filed with the notice of appeal in this matter, supports the contention that Mr. Ali remains in prison and indigent at this time.

For the above-stated reasons, I request that the filing fee be waived.

3/1/13

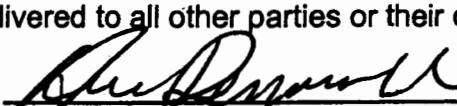
Date


Signature of appealing party or counsel

I certify that a copy of this motion has been sent or delivered to all other parties or their counsel.

3/1/13

Date


Signature of appealing party or counsel

An Affidavit of Assets and Liabilities must be filed with this motion. This form is available at the Supreme Court or on the judicial branch website:
<http://www.courts.state.nh.us/supreme/forms/index.htm>.

67 of 70

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

RULE 7 NOTICE OF MANDATORY APPEAL

This form should be used for an appeal from a final decision on the merits issued by a superior court or circuit court except for a decision from: (1) a post-conviction review proceeding; (2) a proceeding involving a collateral challenge to a conviction or sentence; (3) a sentence modification or suspension proceeding; (4) an imposition of sentence proceeding; (5) a parole revocation proceeding; (6) a probation revocation proceeding; (7) a landlord/tenant action or a possessory action filed under RSA chapter 540; (8) an order denying a motion to intervene; or (9) a domestic relations matter filed under RSA chapters 457 to 461-A other than an appeal from a final divorce decree or from a decree of legal separation. (An appeal from a final divorce decree or from a decree of legal separation should be filed on this form.)

1. COMPLETE CASE TITLE AND CASE NUMBERS IN TRIAL COURT

*Dominic S. Ali v. Edward Reilly, Warden
 of the Northern Correction Facility.
 Case No. 214-2012-cv-00178*

2. COURT APPEALED FROM AND NAME OF JUDGE(S) WHO ISSUED DECISION(S)

*The State of New Hampshire Superior Court
 Coas, ss. Justice Peter H. Bernstein.*

3A. NAME AND MAILING ADDRESS OF APPEALING PARTY. IF REPRESENTING SELF, PROVIDE E-MAIL ADDRESS AND TELEPHONE NUMBER

*Dominic S. Ali 81829
 138 East Milan Road
 Berlin, NH 03570*

E-Mail address: _____

Telephone number: _____

3B. NAME, FIRM NAME, MAILING ADDRESS, E-MAIL ADDRESS AND TELEPHONE NUMBER OF APPEALING PARTY'S COUNSEL

E-Mail address: _____

Telephone number: _____

4A. NAME AND MAILING ADDRESS OF OPPOSING PARTY. IF OPPOSING PARTY IS REPRESENTING SELF, PROVIDE E-MAIL ADDRESS AND TELEPHONE NUMBER

E-Mail address: _____

Telephone number: _____

4B. NAME, FIRM NAME, MAILING ADDRESS, E-MAIL ADDRESS AND TELEPHONE NUMBER OF OPPOSING PARTY'S COUNSEL

*Kathleen Braden, Esq. 0917657
 Hillsborough County Attorney
 300 Chestnut St.
 Manchester, NH 03101*

E-Mail address: _____

Telephone number: _____

Case Name:

Dominic Ali v. Edward Rollf**RULE 7 NOTICE OF MANDATORY APPEAL**

5. NAMES OF ALL OTHER PARTIES AND COUNSEL IN TRIAL COURT

Ryan Ward, with the N.H. Public Defenders Office
Manchester N.H. 03101New Boston Police Department.

6. DATE OF CLERK'S NOTICE OF DECISION OR SENTENCING. ATTACH COPY OF NOTICE AND DECISION.

September 28th, 2004

DATE OF CLERK'S NOTICE OF DECISION ON POST-TRIAL MOTION, IF ANY. ATTACH COPY OF NOTICE AND DECISION.

9/28/20042/21/2013

7. CRIMINAL CASES: DEFENDANT'S SENTENCE AND BAIL STATUS

(29) Days Credit in the
Department of Correction.

8. APPELLATE DEFENDER REQUESTED?

 YES NOIF YOUR ANSWER IS YES, YOU MUST CITE STATUTE OR OTHER LEGAL AUTHORITY UPON WHICH CRIMINAL LIABILITY WAS BASED AND ATTACH FINANCIAL AFFIDAVIT (OCC FORM 4)

9. IS ANY PART OF CASE CONFIDENTIAL?

IF SO, IDENTIFY WHICH PART AND CITE AUTHORITY FOR CONFIDENTIALITY.
SEE SUPREME COURT RULE 12. YES NO

10. IF ANY PARTY IS A CORPORATION, LIST THE NAMES OF PARENTS, SUBSIDIARIES AND AFFILIATES.

11. DO YOU KNOW OF ANY REASON WHY ONE OR MORE OF THE SUPREME COURT JUSTICES WOULD BE DISQUALIFIED FROM THIS CASE?

 YES NO

IF YOUR ANSWER IS YES, YOU MUST FILE A MOTION FOR RECUSAL IN ACCORDANCE WITH SUPREME COURT RULE 21A.

12. IS A TRANSCRIPT OF TRIAL COURT PROCEEDINGS NECESSARY FOR THIS APPEAL?

 YES NOIF YOUR ANSWER IS YES, YOU MUST COMPLETE THE TRANSCRIPT ORDER FORM ON PAGE 4 OF THIS FORM.

Case Name: Dominic Ali v. Edward Reilly 69 of 70RULE 7 NOTICE OF MANDATORY APPEAL

13. LIST SPECIFIC QUESTIONS TO BE RAISED ON APPEAL, EXPRESSED IN TERMS AND CIRCUMSTANCES OF THE CASE, BUT WITHOUT UNNECESSARY DETAIL. STATE EACH QUESTION IN A SEPARATELY NUMBERED PARAGRAPH. SEE SUPREME COURT RULE 16(3)(b).

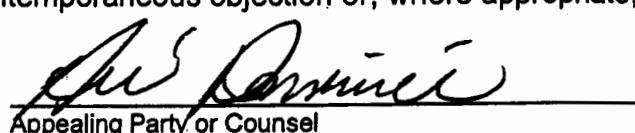
Whether the Court violated Mr. Ali's rights under Part (1) article (15) of State of N.H. Constitution and the 5th, 6th and the (14) Amendment of the United States Constitution, When Mr. Ali's incompetent Counsel grossly misleads Mr. Ali about the plea Nolo in Cailling to provide true advise and professional opinion not routinely explain the nature of the offense in sufficient detail. See: State v. Sharkey, 156 NH 638 (2007) also Boykin v. Alabama, 395 U.S. 238 (1969) And Filmore at 147 NH 233 (2001)

Whether the Court violated Mr. Ali's rights under Part (1) article (15) of the State of N.H. and the 8th and the 14th amendment of the United States Constitution, Denying Mr. Ali's rights to testify and call of his witness and an interpreter during the proceeding that the Court abuse its discretion and threatened Mr. Ali with fine \$1000 to allowed self incrimination.

Whether the Court error in not using its authority to the curb prosecution broad Discretion and abuse of power and call for and charge as result of the Nolo contendere conviction in 2008, Mr. Ali's judgment was upgraded to felonies by Violations of Mr. Ali constitutional rights State and Federal, Part (1) article (16) and the 5th Amendment to U.S. Constitution at 147 NH 233.

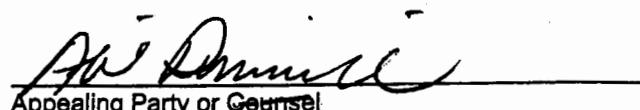
14. CERTIFICATIONS

I hereby certify that every issue specifically raised has been presented to the court below and has been properly preserved for appellate review by a contemporaneous objection or, where appropriate, by a properly filed pleading.


Appealing Party or Counsel

I hereby certify that on or before the date below, copies of this notice of appeal were served on all parties to the case and were filed with the clerk of the court from which the appeal is taken in accordance with Rule 26(2).

3/1/2013
Date


Appealing Party or Counsel

Case Name:

Bonnie Ali v. Edward Reilly 70 of 70RULE 7 NOTICE OF MANDATORY APPEAL

TRANSCRIPT ORDER FORM

INSTRUCTIONS:

1. If a transcript is necessary for your appeal, you must complete this form.
2. List each portion of the proceedings that must be transcribed for appeal, e.g., entire trial (see Supreme Court Rule 15(3)), motion to suppress hearing, jury charge, etc., and provide information requested.
3. Determine the amount of deposit required for each portion of the proceedings and the total deposit required for all portions listed. Do not send the deposit to the Supreme Court. You will receive an order from the Supreme Court notifying you of the deadline for paying the deposit amount to the court transcriber. Failure to pay the deposit by the deadline may result in the dismissal of your appeal.
4. The transcriber will produce a digitally-signed electronic version of the transcript for the Supreme Court, which will be the official record of the transcribed proceedings. Parties will be provided with an electronic copy of the transcript in PDF-A format. A paper copy of the transcript will also be prepared for the court.

PROCEEDINGS TO BE TRANSCRIBED					
PROCEEDING DATE (List each day separately, e.g. 5/1/11; 5/2/11; 6/30/11)	TYPE OF PROCEEDING (Motion hearing, opening statement, trial day 2, etc.)	NAME OF JUDGE	LENGTH OF PROCEEDING (in .5 hour segments, e.g., 1.5 hours, 8 hours)	RATE (standard rate unless ordered by Supreme Court)	DEPOSIT
9/28/04	Violation of restra	Michael J. Lynn	15, minutes	X \$137.50	\$
	ning order,			X \$137.50	\$
	hearing -			X \$137.50	\$
2/15/11	Urging to withdraw - paul H. Lawrence	Paul H. Lawrence	10 minutes	X \$137.50	\$
	W. Nolo contendere			X \$137.50	\$
	plan.			X \$137.50	\$
				X \$137.50	\$
				X \$137.50	\$
				X \$137.50	\$
				X \$137.50	\$
				TOTAL DEPOSIT	\$

PROCEEDINGS PREVIOUSLY TRANSCRIBED					
PROCEEDING DATE (List date of each transcript volume)	TYPE OF PROCEEDING (Motion hearing, opening statement, trial day 2, etc.)	NAME OF JUDGE	NAME OF TRANSCRIBER	DO ALL PARTIES HAVE COPY (YES OR NO)	DEPOSIT FOR ADDITIONAL COPIES
2/28/04	Violation of restra	Michael J.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	TBD
	ning order	Lynn		<input type="checkbox"/> Yes <input type="checkbox"/> No	TBD
2/15/11	Withdraw of Nolo Paul H. Lawrence			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	TBD

NOTE: The deposit is an estimate of the transcript cost. After the transcript has been completed, you will be required to pay an additional amount if the final cost of the transcript exceeds the deposit. Any amount paid as a deposit in excess of the final cost will be refunded. The transcript will not be released to the parties until the final cost of the transcript is paid in full.